

Official Proceedings

July 7, 2020

8:00 am

Chairman Kuntz called the meeting of the Stark County Board of Commissioners to order. All members present. The meeting was open to the public and access granted through a conference call.

Agenda

Chairman Kuntz asked for any changes to the agenda. Commissioner Zander added Building Construction-Selling Extension and Social Service Buildings, hiring maintenance for new office building, Building Committee, and COVID-19. Commissioner Arthaud added meeting call in phone number/video.

MOTION BY: Commissioner Franchuk **SECOND BY:** Commissioner Arthaud

To approve the agenda with the additions.

DISPOSITION: Roll call vote. All vote aye. Motion carried.

Minutes

The June 2, 2020 Board of County Commissioner's regular meeting minutes were presented. Commissioner Franchuk requested a correction to the motion approving the May 5, 2020 minutes, the motion states to approve the May 2, 2020 minutes and should reflect May 5, 2020 minutes, also Commissioner Arthaud stated two different motions were made on the Gladstone Fire District, one was open ended and the other was for the \$108,875.00, but the first motion was not recorded in the minutes.

MOTION BY: Commissioner Franchuk **SECOND BY:** Commissioner Arthaud

To approve the June 2, 2020 Board of County Commissioner's meeting minutes with the corrections to meeting minutes date and make the changes to Gladstone Fire District motion.

DISPOSITION: Commissioner Franchuk withdrew the motion.

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Arthaud

Motion to accept the minutes as presented with the necessary corrections and tabling the Gladstone Fire District until the next meeting.

DISPOSITION: Roll call vote. All vote aye. Motion carried.

Request was made to have Terri Thiel with the Gladstone Fire District attend the next meeting for clarification of amount requested.

The June 4, 2020 Special Meeting of the Board of County Commissioners minutes were presented.

MOTION BY: Commissioner Franchuk **SECOND BY:** Commissioner Arthaud

To approve the June 4, 2020 Board of County Commissioner's meeting minutes as presented.

DISPOSITION: Roll call vote. All vote aye. Motion carried.

Accounts Payable

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Elkin
To approve the accounts payable with the supplement as presented.

DISPOSITION: Roll call vote. All vote aye. Motion carried.

Sheriff Lee

Sheriff Lee provided the monthly totals for June. Breath testing resumed as of yesterday. Sheriff Lee announced that they were awarded the ND Game and Fish Grant in the amount of \$2,500 for water rescue equipment for squad cars, and a COPS Grant dedicated to schools. He informed the Board that a current deputy will be moved into the COPS Grant position, which results in a vacant deputy position.

MOTION BY: Commissioner Franchuk **SECOND BY:** Commissioner Arthaud
Motion to grant the position vacated by the Cops Grant.

DISPOSITION: Roll call vote. All voted aye. Motion carried.

Sheriff Lee requested approval to fill the Courthouse Deputy position.

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Elkin
Moved to fill the Courthouse Deputy position.

DISPOSITION: Roll call vote. All voted aye. Motion carried.

Road Superintendent – Al Heiser

Mr. Heiser reported the road crew is hauling gravel from north of Dickinson to west of South Heart, and are fixing soft spots on the Lefor Road. Mr. Heiser reported issues have arisen on a project that was bid out a while ago, where a landowner indicated he would grant the county right of way for a box culvert replacement, but has now changed his mind. The box culvert has been built, but the landowner is now requesting a larger culvert. He is looking for some direction, and does not want to force the project on the landowner. Another option would be to abandon that project and use the built box culvert in another location. Consensus of the Board was to go with moving the project to another location. Mr. Heiser was directed to let the landowners of the current project know the project is being abandoned.

Sunrise Youth Bureau

Holly Praus, Sunrise Youth Bureau, Director, thanked the Board for including them in the new Stark County Office Building, provided the 2019 annual report for the Sunrise Youth Bureau and requested funding for the 2021 budget.

Alan Ibach – IT Budget

Mr. Ibach presented the 2021 IT budget. New item on the budget is GIS funds, for the Road Department and Tax Equalization to bring their GIS data together for visual and sharing purposes. Commissioner Zander inquired as to terms of Armor's contract. Mr. Ibach stated it is a 30-day contract.

NDDoT – Red Trail Energy

Brad, Darr, NDDot Maintenance Division, presented an application from Red Trail Energy for a Request for Designated Routes up to 129,000 Pounds on State Highway 8 beginning at I94 Exit 84 and ending on the Intersection with Stark County Highway 10. Increasing the load limit will save Red Trail Energy approximately \$460,000 annually. Legislation requires public input; this increase crosses state highway only, no county roads involved.

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Franchuk

Moved to approve the request and authorize the Chairman sign the document.

DISPOSITION: Roll call vote. All voted aye. Motion carried.

Delinquent Properties

Auditor Haag reported that at the previous meeting she was directed to advertise for sale two delinquent properties located in the City of Richardton and City of Dickinson. Richardton lot is valued at \$25,900 and Dickinson lot is valued at \$73,600. Auditor Haag does not feel there will be any interest due to the valuation. Assistant State's Attorney Jim Hope stated it is a statutory procedure that valuations cannot be altered until the annual re-evaluation. The county is responsible for maintenance on the lots. Only offers accepted will be for the current valuation. Auditor Haag also informed the Board of another delinquent 10-acre parcel for sale located in the SE 4 of Section 30, Township 140, Range 98, valued at \$7,130.

Belfield Ambulance

Auditor Haag brought forward a request from the Belfield Ambulance for funds to purchase a new ambulance that was tabled at the last meeting. Discussion was held on whether other counties served were contributing. Stark County currently contributes funds for half of the paramedic. No action taken. Contact for the Belfield Ambulance is Susan Wolf.

Weed Board – Re-appointment

Chairman Kuntz reported that Les Simnioniw's term on the Weed Board has expired. Mr. Siminiow has agreed to serve another term.

MOTION BY: Commissioner Arthaud **SECOND BY:** Commissioner Elkin

Moved to appoint Les Simnioniw to another four-year term.

DISPOSITION: Roll call vote. All voted aye. Motion carried.

Travel

Auditor Haag reported she has received questions from department heads on travel to areas that are high incident locations, and will they be required to quarantine. According to the ND Department of Health an amendment to the state health officer order allows people to travel freely within the United States and releases requirement for everyone except international travelers, who must quarantine immediately for a period of 14 days.

MOTION BY: Commissioner Arthaud **SECOND BY:** Commissioner Elkin

Moved to follow state guidelines.

DISPOSITION: Roll call vote. All voted aye. Motion carried.

Zoning

Commissioner Franchuk reported that new members representing the City of Dickinson on the Planning and Zoning Board are Nikki Wolla and Suzi Sobolik.

RZ 01-20 Joshua and Chelsea Peterson are requesting rezoning from Agriculture to Agricultural Residential on a property located in the NW ¼ of Section 13, Township 140, Range 95. Planning and Zoning and staff recommend approval.

MOTION BY: Commissioner Franchuk **SECOND BY:** Commissioner Arthaud
To approve the application for Joshua and Chelsea Peterson as presented.

DISPOSITION: Roll call vote. All voted aye. Motion carried.

NACo – Leadership Academy

Linda Krebs, Deputy Auditor/HR Coordinator, presented information on the NACo High Performance Leadership Academy, which is a 12-week online course. Currently NACo is offering scholarships that would allow for three participants to attend the academy for the price of one. The Board expressed support for the program.

Finalization for Board of Equalization

Natalie Wandler, Tax Director, reported at the Board of Equalization meeting on June 4, no vote was taken on the City of Dickinson's valuation. Ms. Wandler presented the final numbers for the City of Dickinson's 2020 market valuation of \$2,548,098,544 and taxable valuation of \$120,094,230.

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Franchuk
Moved to approve the City of Dickinson valuations as presented.

DISPOSITION: Roll call vote. All voted aye. Motion carried.

Ms. Wandler reported there were two additional farm residence exemptions in the county, and City of Dickinson has some corrections, so revised 2020 county taxable valuation is \$189,287,850. This is the amount that was sent on the abstract to the State.

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Franchuk
Moved to accept the Stark County taxable valuation of \$189,287,850.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Ms. Wandler presented an amended contract for Kompleks Assessment Solutions LLC current industrial assessment contract for the year 2021. The amended contract is due to the removal of a salt disposal facility.

MOTION BY: Commissioner Arthaud **SECOND BY:** Commissioner Elkin
Moved to authorize the Chairman sign the amended contract.

DISPOSITION: Roll call vote. All voted aye. Motion carried.

Ms. Wandler updated the Board on Riley Kuntz's request for reduction in assessed value for his property that was tabled at the Board of Equalization meeting. Ms. Wandler and Joe Hirschfield, City Assessor, scheduled an appointment with Mr. Kuntz to go through his property. Mr. Kuntz denied them access to the house. Ms. Wandler's recommendation is to leave the value set at the \$215,800. Mr. Kuntz addressed the Board and acknowledged that Ms. Wandler gave an accurate account of the actions that took place, and feels his

neighborhood is not valued correctly and feels that the number of bedrooms in the house should make a difference. Ms. Wandler explained that the number of rooms in the house entered in the mass appraisal program does not change the value unless it is a bathroom. Square footage is considered. When the tax statements are sent out in December, Mr. Kuntz can file an abatement request form, the process then would require Mr. Kuntz to give access to his property.

MOTION BY: Commissioner Zander **SECOND BY:**

Moved to deny Riley Kuntz's request.

DISPOSITION: Motion failed for lack of second.

City of Dickinson – Boring of Fiber Line

Linda Carlson, City Administrator, and Aaron Meyer, IT Manager, requested permission to bring a fiber line to their new building, replacing the old line to City Hall. It would require passing underneath the southeast section of the front lawn and would not disturb any landscaping. Permission granted.

Mike Njos – Highland Engineering

Mr. Njos gave a status report on current construction projects that should be completed within the next couple of weeks.

COVID-19

Commissioner Zander made a note that COVID public testing will be available on Thursday, July 9, from 10:00 AM to 2:00 PM at the Biesiot Activity Center.

Sale of Stark County Buildings

Commissioner Zander questioned if the procedure to start selling the buildings occupied by Social Services and NDSU Extension should be explored since the buildings will become vacant in October or November of this year, with the completion of the new office building.

MOTION BY: Commissioner Elkin **SECOND BY:** Commissioner Arthaud

Moved to sell the Social Services building and property on Villard currently housing NDSU Extension and Sunrise Youth Bureau.

DISPOSITION: Roll call vote. All voted aye. Motion carried.

MOTION BY: Commissioner Zander **SECOND BY:** Commissioner Elkin

Moved to designate Chairman Kuntz and Commissioner Arthaud to explore the process to list and sell the property and bring recommendations to next commissioner meeting.

DISPOSITION: Roll call vote. All voted aye. Motion carried.

Jeremy Wood – Northern Plains Engineering

Mr. Wood gave a status report on current construction projects.

Emergency Management, 911, Siren 2020

Commissioner Arthaud wanted to bring attention to a Dickinson Police Department issue that is at a standstill. Since Emergency Services Director, Bill Fahlsing was not present at the meeting, the issue was not disclosed.

County Office Building - Maintenance

Commissioner Zander reported that a maintenance person will need to be hired for the inside/outside of the new county office building. Chairman Kuntz will work with Human Resources on creating a job description.

Building Committee

Commissioner Zander suggested establishing a committee to represent each agency that will be located in the county office building. Chairman Kuntz as Building Portfolio holder will come with names to the next meeting for Building Committee members. Commissioner Zander would like to see Chairman Kuntz and one other Commissioner on the committee. Commissioner Elkin would like to see Auditor Haag be a part of the committee.

HR Department

Commissioner Arthaud feels there is a conflict of interest within our HR Department, she has not seen a proclamation or resolution in the handbook naming Tom Henning the head of HR. Commissioner Arthaud questions how can Tom Henning protect the County Commissioners and be on a County employee side at the same time. Discussion was held as to what the role and duties of the Human Resources Director are, and guidelines to amend the handbook. Commissioner Franchuk suggested getting an opinion from the Attorney General. Mr. Hope requested clarification as to what specifically the opinion request should be and was directed to seek the Attorney General's opinion on what the State's Attorneys requirements and responsibilities are involving HR.

MOTION BY: Commissioner Franchuk **SECOND BY:** Commissioner Zander
Moved to promptly request the Attorney General's opinion by the next meeting date.

DISPOSITION: Roll call vote. All voted aye. Motion carried

Best Friends Mentoring

Kris Fehr, Executive Director, thanked the Board for making a difference and past support. Ms. Fehr expressed concern over the isolation caused by COVID and commended her staff and volunteers for being creative in keeping match connections alive. Due to COVID-19, Best Friends Mentoring was unable to hold the Chocolate Affair or Family Fun Day fund raising events this year, which raises about \$80,000 annually. Best Friends Mentoring will appreciate any funds for 2020, as well as for the 2021 budget. No decision made, will keep in mind when preparing budgets.

Board recessed for Park Board Meeting at 10:40 AM.

Board reconvened at 10:50 AM

Executive Session

Assistant State's Attorney Jim Hope stated that according to ND Century Code the State's Attorney acts a legal advisor of this Board. Mr. Hope explained there are limitations to open records and meeting laws, and that certain information can be confidential and/or exempt. This proposed Executive Session involved an allegation of harassment under Chapter 14 of the Stark County Personnel Handbook, which does set out various

procedures and steps that should be taken to address such matters, and the handbook attempts or recognizes that these matters need to be taken care of promptly, fairly and a search for the truth. These matters can be sensitive and private. ND Century Code provides that records related to an entity's internal investigation of a complaint against an employee for misconduct are exempt until the investigation is complete, but no longer than 75 days from date of complaint. Mr. Hope also explained that the ND Century Code requires any notice of a meeting that refers to an Executive Session must also contain general subject matter and since this requirement has not been met strongly advises the Executive Session not be held. May address this issue by scheduling a special meeting or at the next regular meeting with proper notice. Moving forward need to address two items. First item, the handbook states that an investigation be done by the State's Attorney/Human Resource Director, in this particular case do not think this would be appropriate for the State's Attorney Office to conduct this investigation and would recommend the Board designate a member to contact or procure the services for an outside investigation. Second item deals with the situation or steps to be taken relative to supervision, and recommends the complainant and complainee should not be in contact with each other to allow for protection against retaliation and reprisal. Mr. Hope also brought up a final option, although he did not recommend the option, would be to declare the complaint filed and make the complaint unexempt.

MOTION BY: Commissioner Zander

SECOND BY: Commissioner Elkin

Moved to have Chairman Kuntz and Commissioner Elkin explore options to retain an investigator for the matter of the complaint filed on July 1, 2020.

DISPOSITION: Roll call vote. All voted aye. Motion carried.

Conference Call/ Recording

Commissioner Arthaud commented that the conference call has some inconveniences with noise, and that we could check with IT on. Commissioner Arthaud also suggested we look into a recording of the Commissioners meetings, and volunteered to contact IT and bring recommendations to the next meeting.

MOTION BY: Commissioner Elkin

SECOND BY: Commissioner Arthaud

To adjourn the meeting.

DISPOSITION: Motion carried

Kay Haag, Auditor

Pete Kuntz, Chairman